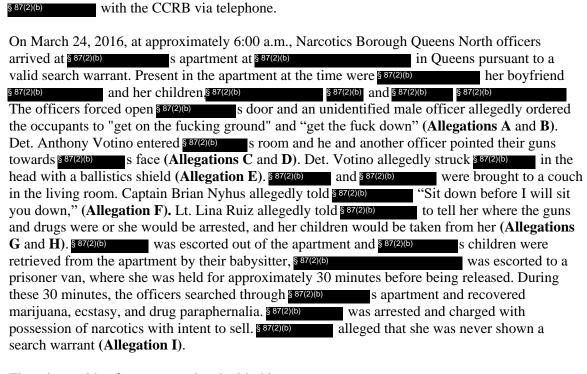
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Te	eam:	CCRB Case #:	☑ Force	e ☑ Discourt. □	U.S.
Jean Paul Lozada	Sc	juad #9	201602484	✓ Abu	se 🗆 O.L. 🗹	Injury
Incident Date(s)	Lo	ocation of Incident:	•	Precin	ct: 18 Mo. SOL E	O SOL
Thursday, 03/24/2016 6:00 AM	§ 8	7(2)(b)		114	9/24/2017 9/2	24/2017
Date/Time CV Reported	C'	V Reported At:	How CV Reported	: Date	Time Received at CCRB	
Thu, 03/24/2016 1:39 PM	C	CRB	Phone	Thu,	03/24/2016 1:39 PM	
Complainant/Victim	Type	Home Add	ress			
Witness(es)		Home Add	ress			
			~			
Subject Officer(s)	Shield	TaxID	Command			
1. Officers			NARCBQN			
2. LT Lina Ruiz	00000	938876	NARCBQN			
3. CPT Brian Nyhus	00000	922882	NARCBQN			
4. DT3 Anthony Votino	07170	931389	NARCBON			
5. An officer			NARCBQN			
Witness Officer(s)	Shield No	Tax No	Cmd Name			
1. POM Jhonnatan Sanchezpena	10623	947455	NARCBQN			
2. DT3 Curt Thomas	5984	934296	NARCBQN			
Officer(s)	Allegation				Investigator Recommer	ndation
A.CPT Brian Nyhus	Abuse: Cap § 87(2)(b)	tain Brian Nyhus er	ntered and searched in Queens.			
B. Officers	Discourtesy: Officers spoke discourteously to §87(2)(b)					
C.DT3 Anthony Votino	Force: Detective Anthony Votino pointed his gun at \$87(2)(b)					
D. An officer	Force: An officer pointed his gun at § 87(2)(b)					
E.DT3 Anthony Votino	Force: Detective Anthony Votino struck § 87(2)(b) with a police shield.					
F.CPT Brian Nyhus	Abuse: Captain Brian Nyhus threatened § 87(2)(b) with the use of force.					
G.LT Lina Ruiz	Abuse: Lieutenant Lina Ruiz threatened to arrest § 87(2)(b)					
H.LT Lina Ruiz	Abuse: Lieutenant Lina Ruiz threatened to notify Administration for Children's Services.					
I.CPT Brian Nyhus	Abuse: Captain Brian Nyhus failed to show the search warrant to § 87(2)(b)					

Case Summary

filed this complaint on behalf of herself and her son,



There is no video footage associated with this case.

On March 24, 2016, § 87(2)(b)

Mediation, Civil and Criminal Histories

- This case was deemed ineligible for mediation due to \$87(2)(b) s arrest.
- As of May 9, 2016, no notice of claim has been filed in regards to this incident by (Board Review 01).
- \$ 87(2)(b):\$\$ 86(1)(3)(4):\$ 87(2)(c)
- \$87(2)(b) does not have any prior criminal convictions (Board Review 03).

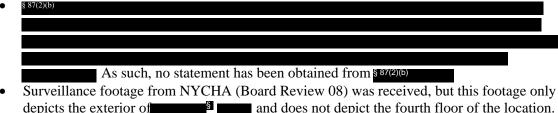
Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which \$87(2)(b) and \$87(2)(b) are involved (Board Review 04).
- Captain Brian Nyhus has been a member of the NYPD for 17 years and has 10 prior CCRB complaints involving five cases with two substantiated allegations (Board Review 05).
 - In CCRB case number 200611338, Captain Nyhus was the subject of Abuse Frisk, Abuse Search (of person), and Abuse Stop allegations, all of which were closed as substantiated. The CCRB recommended charges and the NYPD imposed a penalty of Command Discipline A for the Abuse Search allegation and took no disciplinary action for the remaining allegations.

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- Captain Nyhus was the subject of an Abuse Premises Entered and/or Searched allegation in CCRB case number 201107426. This allegation was closed as exonerated.
- Det. Anthony Votino has been a member of the NYPD for 13 years and has 10 prior CCRB allegations involving six cases with no substantiated allegations (Board Review 06).
 - Det. Votino was the subject of a Force Police Shield allegation in CCRB case number 201504383. This allegation was closed as unsubstantiated.
- Lt. Lina Ruiz has been a member of the NYPD for 10 years and has four prior CCRB allegations involving two cases with no substantiated allegations. §87(2)(9)

Potential Issues



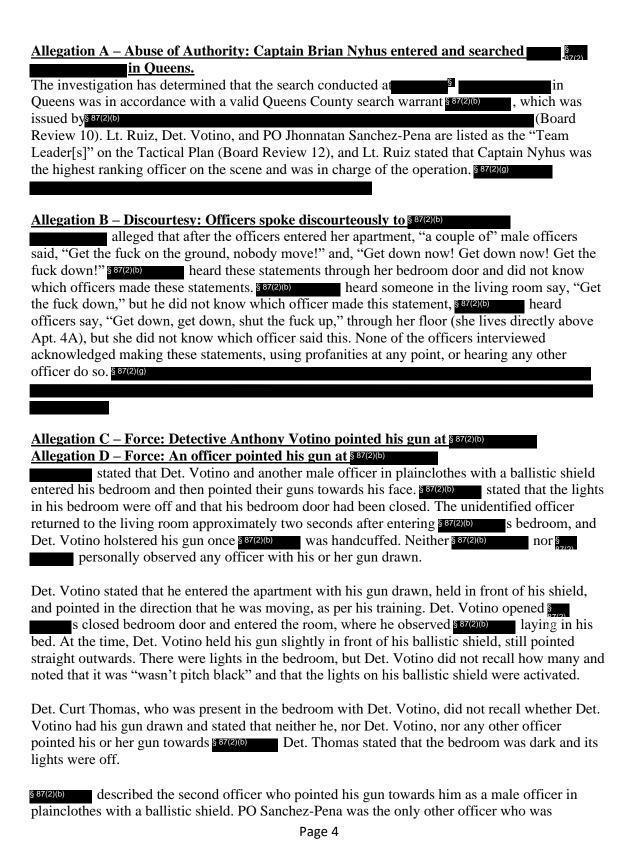
and does not depict the fourth floor of the location.

Findings and Recommendations

Allegations Not Pleaded

- alleged that officers damaged her front door, stove, and strong strong damage is corroborated by a video filmed by strong after the search of her apartment was concluded (Board Review 09). strong also stated that her keys, cell phone, and approximately \$2,600 in cash were seized from her apartment and that she was able to retrieve all of these items from the 114th Precinct stationhouse except for the case. Seeing as the officers possessed a valid no-knock search warrant (Board Review 10) and all of the items allegedly seized from strong strong strong apartment were vouchered (Board Review 11), property damage and property seizure allegations are subsumed under Allegation A.
- \$87(2)(b) stated that she was brought downstairs to a prisoner van in police custody, where she remained for approximately 30 minutes before being released, during which time the officers searched her apartment. When she returned upstairs, Lt. Ruiz was still present in the hallway on the fourth floor. Seeing as \$87(2)(b) was only detained for the duration of the search of her apartment and was released once it was concluded, no detainment allegation is pleaded.
- who babysits street statements, alleged that a Hispanic male officer told street (Sar(2)(b)) a "Shut the fuck up. Sit down. You've got a smart mouth." She also alleged that Lt. Ruiz called street a "smartass" and said, "Tell us where the fuck it is." Seeing as street did not repeat these statements, allege that any profanities were uttered towards her directly, and did not allege any profanities aside from the ones used upon the officers' entry, an additional Discourtesy Word allegation is not being pleaded.

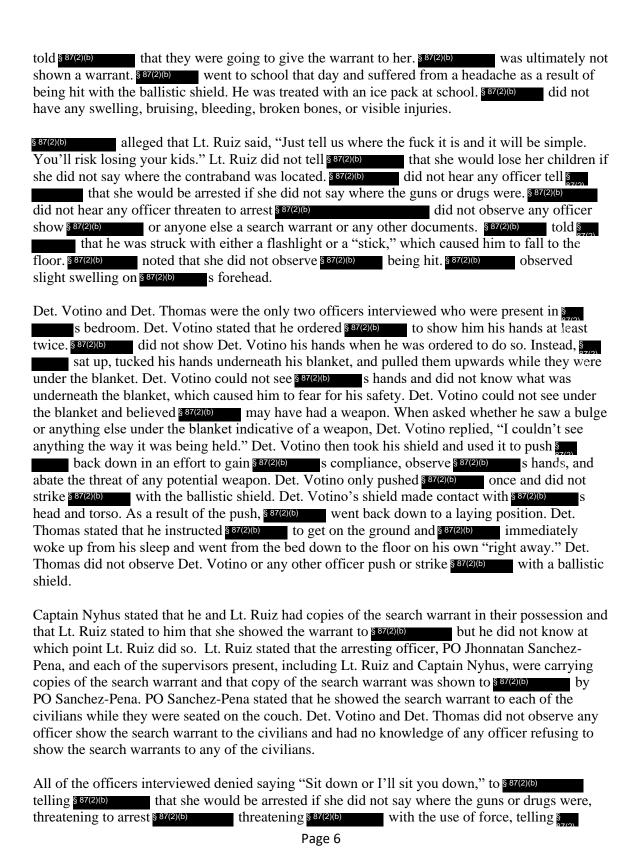
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identified as carrying a ballistic shield during the incident. PO Sanchez-Pena acknowledged carrying a ballistic shield during the incident, but he denied entering \$37(2)(b) s room before the search of the apartment commenced. Det. Votino and Det. Thomas were the only officers interviewed who acknowledged entering \$87(2)(b) s room. An officer may draw or point his firearm as long as he has a reasonable fear that his own life or the life of another is endangered (Police Department v. Gliner; OATH Index No. 955/00 (2000) – Board Review 13). Allegation E – Force: Detective Anthony Votino struck § 87(2)(5) with a police shield. Allegation F – Abuse of Authority: Captain Brian Nyhus threatened §87(2)(6) the use of force. Allegation G – Abuse of Authority: Lieutenant Lina Ruiz threatened to arrest [887(2)(5)] Allegation H – Abuse of Authority: Lieutenant Lina Ruiz threatened to notify Administration of Children's Services. Allegation I – Abuse of Authority: Captain Brian Nyhus failed to show the search warrant to § 87(2)(b) stated that when \$87(2)(b) was escorted from his bedroom to the living room, he told her that an officer hit him in the top of the left side of his forehead with a flashlight. did not observe this personally. § 87(2)(b) complained that his head hurt and § observed a small bump on § 87(2)(b) s forehead. § 87(2)(b) asked what was going on and what this was about. In response, Captain Nyhus allegedly told \$87(2)(b) to sit down "before I sit you down," and Lt. Ruiz allegedly told [807(2)(5)] that if she knew where drugs and guns were located, she would need to tell her immediately or she would be arrested and her children would be taken from her. §87(2)(b) was allegedly never shown a search warrant. stated that when the officers entered his room, he faced the officers and put his hands up near his head without the officers ordering him to do so. §87(2)(b) was not doing anything with the rest of his body. §87(2)(b) told the officers that he was just a kid. Immediately afterwards, Det. Votino allegedly hit \$87(2)(6) in the upper left corner of his forehead, near the corner of his hairline, with a ballistic shield. No officer hit \$87(2)(b) with a flashlight. The officers then told §87(2)(b) to "freeze," to get on the floor, and he complied. After §87(2)(b) was brought to the living room, \$87(2)(b) asked an officer what they were looking for, if what they were doing was necessary, and stated that she goes to work every day and takes care of her family. Captain Nyhus allegedly replied, "Sit down or I'll sit you down," and told 387(2)(5) that if she did not sit down, he was going to have ACS come to the apartment and take her

while everyone was in the living room and one of the officers, \$87(2)(b) did not recall which), Page 5

children or arrest her. § 87(2)(b) stated that § 87(2)(b) asked the officers to show her a warrant



drugs were, and officers intervie threaten § 87(2)(b)	threatening to have § 87(2) wed also denied hearing	any other officer make any rce, threaten to arrest 887(2)(5)	way from her. All of the of the above statements,
§ 87(2)(g)	J		
0 - (7.3)			
Squad: 9			
Investigator:	Signature	Print	Date
Squad Leader: _			
squad Deader.	Title/Signature	Print	Date
Reviewer:			
	Title/Signature	Print	Date